IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :19212 of 2006

Dated: 15th September 2006.

Between:

M/s. Satyanarayana Plastice Industries, Siddambazar, Hyderabad.

..... PETITIONER

AND

Addl. Commissioner (CT) Legal, Charminar Division, Hyderabad and another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

W.P.NO.19212 OF 2006

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This writ petition is filed with the prayer as follows:

> " For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble court may be pleased to issue a writ of Mandamus or any other appropriate Writ order or direction under article 226 of the Constitution of India, by declaring the action of the 2nd Respondent in CCT's Ref.
>
> No.L III(2)/689/2006 /Dated 09.09.2006 in, rejecting the stay petition as illegal, arbitrary and contrary to law and consequently grant stay of collection of disputed sales tax of Rs.4,16,726/- pursuant to the revision order dt.29.05.2006 passed by the Deputy Commissioner for the assessment year 1999-2000 under the APGST Act in revising the assessment order passed by the 1st Respondent pending disposal of appeal before the Sales Tax Appellate Tribunal of Andhra Pradesh and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case."

The petitioner is a partnership firm manufacturing plastic house-hold articles such as buckets, etc. and is a registered dealer on the rolls of the 2nd respondent under

the A.P.G.S.T. Act. For the assessment year 1999-2000, the petitioner's liability for tax, for the abovementioned year, came to be assessed by the 2nd respondent by his order dated 29-03-2003. The said assessment order came to be revised by the Deputy Commissioner, in exercise of the powers under Section 20(2) of the Act, fixing the tax liability of the petitioner at a higher quantum than the amount determined by the Assessing Authority. Admittedly, there is a dispute about the rate of tax applicable to the goods sold by the petitioner and also about the classification of the goods. Aggrieved by the revisionary order of the Deputy Commissioner, the petitioner carried the matter in appeal before the Sales Tax Appellate Tribunal and sought stay of recovery of the disputed tax during the pendency of the appeal. The said application was rejected and hence, the present writ petition.

Heard the learned Government Pleader for Commercial Tax.

In the circumstances, we are of the opinion that the matter can be disposed of by directing the respondents not to take any coercive steps for recovery of the tax due from the petitioner, for the abovementioned assessment year, during the pendency of the appeal before the Sales Tax Appellate Tribunal, on condition of the petitioner depositing 50% of the disputed tax, within a period of six weeks from today. The amount of tax paid already paid,

if any, with reference to the abovementioned assessment year, shall be given credit to while computing the 50% of the disputed tax.

Accordingly, with the above directions, the writ petition is disposed of at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

Note:
Issue CC by 18th September 2006.
(bo)
mrk
15th September 2006